

January 21, 2015

**Division of Water Quality  
Utah Department of Environmental Quality  
Notice of Public Comment Period for the following:**

- 1) Proposed 401 Water Quality Certification, Proposed Compensatory Mitigation and Monitoring Plan, and Level I Anti-degradation Review to Permanently Close the East Culvert of the**

**Union Pacific Railroad Causeway - Great Salt Lake; and 2) the Level II Anti-degradation Review to Temporarily Close the East Culvert of the Union Pacific Railroad Causeway – Great Salt Lake.**

**Purpose of Public Notice**

The Utah Division of Water Quality (DWQ) is soliciting comments regarding the issuance of a 401 Water Quality Certification (Certification), the associated Level I Anti-degradation Review (ADR), and the Proposed Compensatory Mitigation and Monitoring Plan (CMMP) for the permanent closure of the East Culvert of the Union Pacific Railroad (UPRR) Causeway in the Great Salt Lake. The objective of the Certification and Level I ADR are to certify that UPRR has provided reasonable assurance that the permanent closure of the East Culvert of the UPRR Causeway across the Great Salt Lake will not violate surface water quality standards, or cause water quality degradation. The proposed CMMP includes the construction of an 180 foot-long bridge structure with an opening that is adaptable in order to duplicate, as closely as possible, the aquatic function lost due to the closure of the East and West Culverts. DWQ is also soliciting comments regarding the Level II ADR to Temporarily Close the East Culvert of the Union Pacific Railroad Causeway – Great Salt Lake that is associated with the 401 Water Quality Certification SPK 2011-00755, dated December 16, 2013.

The authority to issue a 401 Water Quality Certification is found in Section 401 of the federal Clean Water Act, (33 U.S.C. § 1341) and consistent is with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended and Utah Administrative Code R317-15. A person who wishes to challenge a Permit Order may only raise an issue or argument during an adjudicatory proceeding that was raised during the public comment period and was supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue. Utah Code Ann. 19-1-301.5 can be viewed at the following internet URL: [http://le.utah.gov/~code/TITLE19/htm/19\\_01\\_030105.htm](http://le.utah.gov/~code/TITLE19/htm/19_01_030105.htm).

**Permit Information**

Permittee: Union Pacific Railroad (UPRR)

Mailing Address: 1400 Douglas Street, Stop 0910, Omaha, Nebraska, 68179-0910

Project Location: The East Culvert was located at UPRR Mile Post 750.53, in Section 29, Township 6 North, Range 6 West, Salt Lake Meridian, 41.221 and -112.561, Box Elder County, Utah. The West Culvert was located at UPRR Mile Post 744.94, in Section 29, Township 6 North, Range 7 West, Salt Lake Meridian, 41.223 and -112.668, Box Elder County, Utah. The new causeway opening will be located at UPRR Mile Post 739.78, in Section 29, Township 6 North, Range 6 West, Salt Lake Meridian 41.221 and -112.561, Box Elder County, Utah. The locations of the bridge opening and the East and West Culverts can be viewed on USGS Quadrangles: Lakeside, Carrington Island NE, and Carrington NW, respectively.

**Permit and Certification Background**

On December 6, 2013 the U.S. Army Corps of Engineers (USACE) authorized the Union Pacific Railroad (UPRR) to temporarily close the East Culvert by issuing a Nationwide Permit 14, *Linear Transportation Projects*, which requires UPRR to secure 401 Water Quality Certification. DWQ originally learned of UPRR's intent to close both the East and West Culverts in February 2011 and has consistently provided comments to USACE and UPRR about water quality issues. However, the West Culvert was closed in November 10, 2012 based on

emergency conditions (as determined by USACE) using a Nationwide Permit that provided automatic 401 Water Quality Certification. On December 13, 2013 the USACE and DWQ Jointly Public Noticed a project to permanently close the East Culvert and construct a 180-foot bridge to compensate for closure of both culverts. On December 16, 2013 DWQ issued a 401 Water Quality Certification to temporarily close the East Culvert of the UPRR Causeway on the Great Salt Lake due to instability of the East Culvert and the need for UPRR to commence repair work. On February 25, 2014 DWQ requested UPRR to submit a Level II ADR with the permanent East Culvert closure and the final submittal was accepted on September 5, 2014. This Level II ADR is now available for Public Review and Comment.

On January 7, 2014 UPRR submitted a 401 Water Quality Certification Application for the permanent closure of the East Culvert of the UPRR Causeway in the Great Salt Lake (UPRR Application). Over the course of the next year extensive efforts were made that resulted in drafts of a Bridge Evaluation Report, a Resource Evaluation Report, a Final Water and Salt Balance Modeling Report, and a Comprehensive Monitoring and Mitigation Plan (CMMP). On January 7, 2015 UPRR submitted the Level I ADR and the final Proposed CMMP that help formulate the basis for the DRAFT 401 Water Quality Certification SPK-2011-00755 dated xx, xx, xx (Certification). This Level I ADR, CMMP and Certification are now available for Public Review and Comment.

For additional explanation and to review supporting documents relating to closure of the East and West Culverts of the UPRR Causeway of the Great Salt Lake can be found at:

<http://www.deq.utah.gov/locations/G/greatsaltlake/railroadcauseway/index.htm>. This is a website administered by DWQ but the information contained within has not been fully verified for accuracy because the material comes from outside sources.

### **Public Comments**

The Public Comment period for this action begins with a notice posted on DWQ's website at:

<http://www.waterquality.utah.gov/PublicNotices/index.htm>, on Wednesday, January 21, 2015 through, Friday, February 20, 2015 at 5:00 p.m.

### **Public Notice Items**

The following documents are posted on DWQ's Public Notice website at:

<http://www.waterquality.utah.gov/PublicNotices/index.htm>

- Draft 401 Water Quality Certification with Conditions SPK 2011-00755
- Level I Anti-degradation Review Application, dated January 7, 2015
- Proposed Compensatory Mitigation and Monitoring Plan, dated January 7, 2015
- Level II Anti-degradation Review Application, dated September 5, 2014

### **Submission of Public Comments**

Public comments on this matter must be received by the Division of Water Quality by **Friday, February 20, 2015 at 5:00 p.m.** All comments will be considered to determine whether an amended 401 Water Quality Certification, Level I & II ADRs, and CMMP are necessary.

Please submit comments to Bill Damery at [wdamery@utah.gov](mailto:wdamery@utah.gov) . Comments may also be submitted by mail to:

Bill Damery  
Utah Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413, TDD (801) 536-4414.